



DOCKET NO: C1039.70078US00

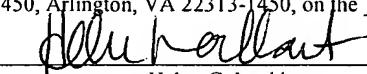
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg, et al.
Serial No: 10/627,331
Confirmation No: 4362
Filed: July 25, 2003
For: METHODS FOR TREATING AND PREVENTING
INFECTIOUS DISEASE

Examiner: Not yet assigned
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the 12 day of January, 2004.


Helen C. Lockhart

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following documents:

Information Disclosure Statement;
 PTO Form 1449;
 Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is enclosed. If there is a fee associated with this filing, then please charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

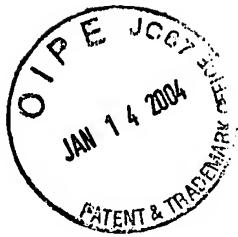
Respectfully submitted,


Helen C. Lockhart, Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
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Docket No. C1039.70078US00

Date: January 12, 2004

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Helen C. Lockhart, Ph.D., Reg. No. 39,248

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies are not enclosed because copies were provided in parent application 09/630,319 to which the instant patent application claims the benefit of priority under 35 U.S.C. §120, except 09/630,319, a copy of which was provided in parent application 10/187,489 to which the instant patent application claims the benefit of priority under 35 U.S.C. §120)

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70013US00	09/776,479	2/2/01	Bratzler et al.
C1037.70016US00	09/009,634	1/20/98	Hutcherson et al.
C1037.70019US00	09/920,313	8/1/01	Bratzler et al.
C1037.70021US00	09/949,194	9/7/01	Peterson et al.
C1037.70025US00	10/017,995	12/14/01	Bratzler
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70041US00	10/613,749	7/3/03	Krieg
C1037.70042US00	10/613,524	7/3/03	Krieg
C1037.70043US00	10/613,739	7/3/03	Krieg
C1037.70044US00	10/613,716	7/3/03	Krieg
C1037.70045US00	10/613,228	7/3/03	Krieg
C1037.70046US00	10/445,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70020US00	09/337,584	6/21/99	Krieg et al.
C1039.70022US00	09/337,893	6/21/99	Krieg
C1039.70035US00	09/669,187	09/25/00	Krieg et al.
C1039.70036US00	09/559,140	4/27/00	Noll et al.
C1039.70041US00	09/655,319	9/5/00	Krieg et al.
C1039.70042US00	09/630,319	7/31/00	Krieg et al.
C1039.70043US00	09/629,477	7/31/00	Krieg et al.
C1039.70044US00	09/672,126	9/27/00	Hartmann et al.
C1039.70048US00	09/818,918	3/27/01	Krieg et al.
C1039.70049US00	09/824,468	04/02/01	Krieg et al.
C1039.70052US00	09/888,326	6/22/01	Weiner et al.

Docket Number	Serial Number	Filing Date	Inventor(s)
C1039.70057US00	09/965,101	9/26/01	Davis et al.
C1039.70058US00	10/023,909	12/18/01	Davis et al.
C1039.70060US00	10/112,653	3/29/02	Krieg et al.
C1039.70061US00	10/161,229	6/3/02	Krieg et al.
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C1039.70065US00	10/272,502	10/15/02	Krieg et al.
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C1039.70079US00	10/627,413	7/30/03	Krieg et al.
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C1039.70084US00	10/649,584	8/25/03	Krieg et al.
C1040.70006US00	09/316,199	5/21/99	McCluskie et al.
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C1041.70002US00	09/241,653	2/2/99	Wagner et al.
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C1041.70014US00	09/895,007	6/28/01	Schetter et al.
C1041.70016US00	09/954,987	9/17/01	Bauer et al.
C1041.70019US00	10/140,013	5/6/02	Schetter et al.
C1041.70029US00	10/212,133	8/1/02	Lipford et al.
C1041.70031US00	10/265,072	10/5/02	Lipford
C1041.70035US00	10/373,381	2/24/03	Wagner et al.
C1041.70037US00	10/407,952	4/4/03	Lipford et al.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Arthur M. Krieg, et al., *Applicant*

By:



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Docket No. C1039.70078US00

Date: January 12, 2004

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F O R M P T O - 1 4 9 / A A N D B (M O D I F I E D)
P A T E N T & T R ADE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/627,331	ATTY. DOCKET NO.: C1039.70078US00
				FILING DATE: July 25, 2003	CONFIRMATION NO.: 4362
				APPLICANT: Arthur M. Krieg, et al.	
				GROUP ART UNIT: 1632	EXAMINER: Not yet assigned
Sheet	1	of	10		

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
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49/A and B (Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 2 of 10

APPLICATION NO.: 10/627,331

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GROUP ART UNIT: 1632

EXAMINER: Not yet assigned

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document		D
	*	US 2003/0133988	A1	Van Nest et al.	07/17/2003	
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FORM PTO-1449/A and B (Modified)				APPLICATION NO.: 10/627,331	ATTY. DOCKET NO.: C1039.70078US00
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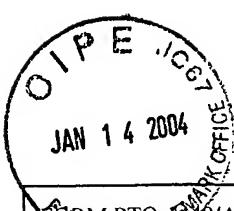
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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FORM PTO-1449/A and B (Modified)				APPLICATION NO.: 10/627,331	ATTY. DOCKET NO.: C1039.70078US00
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				GROUP ART UNIT: 1632	EXAMINER: Not yet assigned
Sheet	4	of	10		

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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FORM PTO 149/A and B (Modified)

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Sheet 5 of 10

APPLICATION NO.: 10/627,331

ATTY. DOCKET NO.: C1039.70078US00

FILING DATE: July 25, 2003

CONFIRMATION NO.: 4362

APPLICANT: Arthur M. Krieg, et al.

GROUP ART UNIT: 1632

EXAMINER: Not yet assigned

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: July 25, 2003	CONFIRMATION NO.: 4362
				APPLICANT: Arthur M. Krieg, et al.	
Sheet	6	of	10	GROUP ART UNIT: 1632	EXAMINER: Not yet assigned

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FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 7 of 10

APPLICATION NO.: 10/627,331

ATTY. DOCKET NO.: C1039.70078US00

FILING DATE: July 25, 2003

CONFIRMATION NO.: 4362

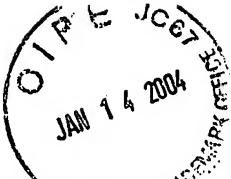
APPLICANT: Arthur M. Krieg, et al.

GROUP ART UNIT: 1632

EXAMINER: Not yet assigned

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s). publisher, city and/or country where published.	Translation (Y/N)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT			FILING DATE: July 25, 2003	CONFIRMATION NO.: 4362
			APPLICANT: Arthur M. Krieg, et al.	
Sheet	8	of	10	GROUP ART UNIT: 1632 EXAMINER: Not yet assigned

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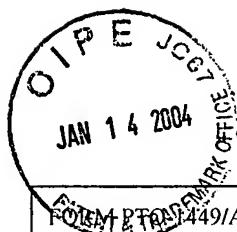
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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O I P C U S
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FORM PTO-1449/A and B (Modified)				APPLICATION NO.: 10/627,331	ATTY. DOCKET NO.: C1039.70078US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: July 25, 2003	CONFIRMATION NO.: 4362
				APPLICANT: Arthur M. Krieg, et al.	
Sheet	9	of	10	GROUP ART UNIT: 1632	EXAMINER: Not yet assigned

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EXAMINER	DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in one of the following prior applications, Serial No. 08/386,063, filed 02/07/95, Serial No. 08/738,652, filed 10/30/96, Serial No. 08/960,774, filed 10/30/97, Serial No. 09/630,319, filed 7/31/00, or Serial No. 10/187,489, filed 7/2/2002 relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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